

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**In Re: DAVID M. SKUTNIK and  
MISTI M. SKUTNIK**

**CHAPTER 13  
NO: 20-10478 JDW**

**NOTICE OF FILING CHAPTER 13 PLAN AND  
MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

Check if this an amended notice.

The above-named Debtors have filed a *Chapter 13 Plan and Motions for Valuation and Lien Avoidance* (the “Plan”) with the Bankruptcy Court in the above-referenced case (see attachment).

Any objection to confirmation of the Plan or the Motions contained therein shall be filed in writing with the Clerk of Court at 703 Hwy. 145 North, Aberdeen, MS 39730 on or before April 1, 2020. Copies of the objection must be served on the Trustee, US Trustee, Debtor and Attorney for Debtor.

Objections to confirmation will be heard and confirmation determined on April 14, 2020 at 1:30 p.m., Oxford Federal Building, 911 Jackson Avenue, Oxford, MS 38655, unless the court orders otherwise. If no objection is timely filed, the Plan may be confirmed without a hearing.

/s/ Robert Gambrell

Dated: 03/02/2020

Robert Gambrell, Atty for Debtors,  
MS Bar #4409  
GAMBRELL & ASSOCIATES, PLLC  
101 Ricky D. Britt Blvd., Ste. 3  
Oxford, MS 38655  
Ph: (662)281-8800 / Fax: (662)202-1004  
rg@ms-bankruptcy.com

**CERTIFICATE OF SERVICE OF NOTICE OF FILING**  
**CHAPTER 13 PLAN AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

I, ROBERT GAMBRELL, Attorney for the above listed Debtors, do hereby certify that the following have been served electronically via ECF with a copy of this Notice of Filing Chapter 13 Plan and Motions for Valuation and Lien Avoidance along with a copy of the Chapter 13 Plan to:

David W. Asbach, Acting U. S. Trustee  
Locke D. Barkley, Chapter 13 Trustee  
and to all parties that have entered an appearance requesting service via ECF

I, further certify that I have this date mailed postage prepaid, a true and correct copy of said Chapter 13 Plan to all creditors shown on the master address list attached hereto.

I, further certify that Capital One, N.A. dba Capital One Auto Finance was mailed by certified mail a copy of said Chapter 13 Plan and Motions for Valuation and Lien Avoidance to:

Capital One, N.A.  
Attn: Richard D. Fairbank, CEO  
1680 Capital One Drive  
McLean, VA 22102-3491

This the 2<sup>nd</sup> day of March, 2020.

BY: /s/ Robert Gambrell  
ROBERT GAMBRELL

Fill in this information to identify your case:

Debtor 1	<b>David M Skutnik</b> Full Name (First, Middle, Last)
Debtor 2	<b>Misti M Skutnik</b> (Spouse, if filing) Full Name (First, Middle, Last)
United States Bankruptcy Court for the	<b>NORTHERN DISTRICT OF MISSISSIPPI</b>
Case number:	<b>20-10478</b> (If known)

Check if this is an amended plan, and list below the sections of the plan that have been changed.

## Chapter 13 Plan and Motions for Valuation and Lien Avoidance

12/17

### Part 1: Notices

**To Debtors:** This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable. The treatment of ALL secured and priority debts must be provided for in this plan.

In the following notice to creditors, you must check each box that applies

**To Creditors:** Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I). The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015.

The plan does not allow claims. Creditors must file a proof of claim to be paid under any plan that may be confirmed.

The following matters may be of particular importance. Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included

### Part 2: Plan Payments and Length of Plan

#### 2.1 Length of Plan.

The plan period shall be for a period of 54 months, not to be less than 36 months or less than 60 months for above median income debtor(s). If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

#### 2.2 Debtor(s) will make payments to the trustee as follows:

Debtors will pay \$864.50 ( monthly,  semi-monthly,  weekly, or  bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the court, an Order directing payment shall be issued to the debtor's employer at the following address:

**DIRECT PAY**

#### 2.3 Income tax refunds.

*Check all that apply*

Debtor(s) will retain any exempt income tax refunds received during the plan term.  
 Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all non-exempt income tax refunds received during the plan term.  
 Debtor(s) will treat income refunds as follows:

Debtor

**David M Skutnik**  
**Misti M Skutnik**

Case number

**20-10478**

## 2.4 Additional payments.

Check one.

**None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

### Part 3: Treatment of Secured Claims

#### 3.1 Mortgages. (Except mortgages to be crammed down under 11 U.S.C. § 1322(c)(2) and identified in § 3.2 herein.).

Check all that apply.

**None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.  
Insert additional claims as needed.

#### 3.2 Motion for valuation of security, payment of fully secured claims, and modification of undersecured claims. Check one..

**None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

*The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.*

Pursuant to Bankruptcy Rule 3012, for purposes of 11 U.S.C. § 506(a) and § 1325(a)(5) and for purposes of determination of the amounts to be distributed to holders of secured claims, debtor(s) hereby move(s) the court to value the collateral described below at the lesser of any value set forth below or any value set forth in the proof of claim. Any objection to valuation shall be filed on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I).

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

Name of creditor	Estimated amount of creditor's total claim #	Collateral	Value of collateral	Amount of secured claim	Interest rate*
<b>Capital One Auto Finance</b>	<b>\$13,946.00</b>	<b>2013 BMW 328i</b>	<b>\$9,495.00</b>	<b>\$9,495.00</b>	<b>6.75%</b>

Insert additional claims as needed.

#For mobile homes and real estate identified in § 3.2: Special Claim for taxes/insurance:

Name of creditor	Collateral	Amount per month	Beginning month
<b>-NONE-</b>			

\* Unless otherwise ordered by the court, the interest rate shall be the current Till rate in this District  
For vehicles identified in § 3.2: The current mileage is **BMW: over 94,000 miles**

#### 3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

**None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.  
The claims listed below were either:

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
- (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling.

Name of Creditor	Collateral	Amount of claim	Interest rate*
<b>Capital One Auto Finance</b>	<b>2015 Toyota Tundra: with over 92,000 miles</b>	<b>\$25,425.00</b>	<b>6.75%</b>

\*Unless otherwise ordered by the court, the interest rate shall be the current Till rate in this District.

Insert additional claims as needed.

#### 3.4 Motion to avoid lien pursuant to 11 U.S.C. § 522.

Check one.

**None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

Debtor

**David M Skutnik**  
**Misti M Skutnik**

Case number

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**3.5 Surrender of collateral.**

*Check one.*

  

**None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

**Name of Creditor**  
**Oxford University Bank**  
Insert additional claims as needed.

**Collateral**  
**141 Lakes Dr. S., Oxford, MS together with a 4 bedroom home and out building**

**Part 4: Treatment of Fees and Priority Claims**

**4.1 General**

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

**4.2 Trustee's fees**

Trustee's fees are governed by statute and may change during the course of the case.

**4.3 Attorney's fees.**

No look fee: 3,600.00

Total attorney fee charged: \$3,600.00

Attorney fee previously paid: \$ 790.00

Attorney fee to be paid in plan per confirmation order: \$2,810.00

Hourly fee: \$ \_\_\_\_\_. (Subject to approval of Fee Application.)

**4.4 Priority claims other than attorney's fees and those treated in § 4.5.**

*Check one.*

**None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

**4.5 Domestic support obligations.**

**None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

**Part 5: Treatment of Nonpriority Unsecured Claims**

**5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*

The sum of \$

0.00 % of the total amount of these claims, an estimated payment of \$ 0.00

The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$0.00. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

**5.2 Other separately classified nonpriority unsecured claims (special claimants). Check one.**

**None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

Debtor

**David M Skutnik**  
**Misti M Skutnik**

Case number

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**Part 6: Executory Contracts and Unexpired Leases**

**6.1** The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.

**None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

**Part 7: Vesting of Property of the Estate**

**7.1** Property of the estate will vest in the debtor(s) upon entry of discharge.

**Part 8: Nonstandard Plan Provisions**

**8.1** Check "None" or List Nonstandard Plan Provisions

**None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

**Part 9: Signatures:**

**9.1 Signatures of Debtor(s) and Debtor(s)' Attorney**

The Debtor(s) and attorney for the Debtor(s), if any, must sign below. If the Debtor(s) do not have an attorney, the Debtor(s) must provide their complete address and telephone number.

X /s/ David M Skutnik

**David M Skutnik**

Signature of Debtor 1

Executed on February 20, 2020

141 Lakes Dr. S.

Address

**Oxford MS 38655-0000**

City, State, and Zip Code

Telephone Number

X /s/ Misti M Skutnik

**Misti M Skutnik**

Signature of Debtor 2

Executed on February 20, 2020

141 Lakes Dr. S.

Address

**Oxford MS 38655-0000**

City, State, and Zip Code

Telephone Number

X /s/ Robert Gambrell

**Robert Gambrell 4409**

Signature of Attorney for Debtor(s)

**101 Ricky D Britt Sr Blvd, Ste 3**

**Oxford, MS 38655-4236**

Address, City, State, and Zip Code

**662-281-8800**

Telephone Number

**rg@ms-bankruptcy.com**

Email Address

Date February 20, 2020

4409 MS

MS Bar Number

0537-1

P.O. Box 13337

Case 20-10478-JDW

Philadelphia, PA 19101-3337

Northern District of Mississippi

Aberdeen

Mon Mar 2 07:07:23 CST 2020

C Spire Wireless

P.O. Box 159

Meadville, MS 39653-0159

CACH, LLC  
6300 S Syracuse Way  
Suite 300  
Englewood, CO 80111-6723CW Nexus Credit Card Holdings, LLC  
101 Crossways Park Dr W  
Holdings I, LLC  
Woodbury, NY 11797-2020

Capital One Auto Finance

PO Box 259407

Plano, TX 75025-9407

Capital One Auto Finance, a division of  
AIS Portfolio Services, LP  
4515 N Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118-7901Capital One Bank  
P.O. Box 30281  
Salt Lake City, UT 84130-0281

Comenity Bank - Ulta

P.O. Box 182120

Columbus, OH 43218-2120

Credit One Bank  
P.O. Box 60500  
City Of Industry, CA 91716-0500First National Credit Card  
P.O. Box 5097  
Sioux Falls, SD 57117-5097

First Savings Bank - Blaze

P.O. Box 596

Sioux Falls, SD 57101-0596

Indigo - Celtic Bank  
P.O. Box 4499  
Beaverton, OR 97076-4499Jones & Schneller, PLLC  
126 North Spring Street  
Holly Springs, MS 38635-2310Merrick Bank  
PO Box 9201  
Old Bethpage, NY 11804-9001Midland Credit Management  
2365 Northside Dr.  
Ste. 300  
San Diego, CA 92108-2709Midland Funding, LLC  
2365 Northside Dr.  
Ste. 300  
San Diego, CA 92108-2709(p)MISSION LANE LLC  
PO BOX 105286  
ATLANTA GA 30348-5286OneMain  
PO Box 3251  
Evansville, IN 47731-3251Oxford University Bank  
2301 West Jackson Ave  
Oxford, MS 38655-5417PANOLA MEDICAL CENTER  
PO BOX 5067  
KINGPSORT, TN 37663-0067Panola Medical Center  
P.O. Box 5067  
Kingsport, TN 37663-0067(p)PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067Portfolio Recovery Associates, LLC  
Dept 992  
PO Box 4115  
Concord, CA 94524-4115Professional Therapy Services  
P. O. Box 2273  
Ridgeland, MS 39158-2273Rausch, Sturm, Israel, Emerson, & Hornik  
P.O. Box 312277  
Enterprise, AL 36331-2277Resurgent Capital Services  
PO Box 1269  
Greenville, SC 29602-1269Smith Rouchon & Associates  
1456 Ellis Ave.  
Jackson, MS 39204-2204TBOM/Fortiva  
P.O. Box 105555  
Atlanta, GA 30348-5555

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4) .

Mission Lane Tab Bank  
101 2nd St., Suite 350  
San Francisco, CA 94105

Portfolio Recovery Associates  
P.O. Box 41067  
Norfolk, VA 23541-1067

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Capital One Auto Finance, a division of  
AIS Portfolio Services, LP  
4515 N Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118-7901

(d)Capital One Bank  
P.O. Box 30281  
Salt Lake City, UT 84130-0281

(d)Midland Credit Management, Inc.  
2365 Northside Drive, Ste 300  
San Diego, CA 92108-2709

(d)Onemain  
PO Box 3251  
Evansville, IN 47731-3251

End of Label Matrix	
Mailable recipients	31
Bypassed recipients	4
Total	35